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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
6

7 ANDREW QUIRUZ,
8 Plaintiff,

9 v.

10 SPECIALTY COMMODITIES, INC., et al.,
11 Defendants.

Case No. 17-cv-03300-BLF

**ORDER DENYING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT
WITHOUT PREJUDICE**

[Re: ECF 47]

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13 Plaintiff's Motion for Preliminary Approval of Class Action Settlement is DENIED
14 WITHOUT PREJUDICE for the reasons stated at the hearing on June 27, 2019. Of particular
15 concern to the Court, the settlement is intended to release a claim under the Fair Labor Standards
16 Act which has not yet been pled, although Plaintiff has indicated that a second amended complaint
17 adding such a claim will be filed. Additionally, the Court has not been provided with a copy of
18 the signed settlement agreement. Plaintiff's counsel stated at the hearing that these and the other
19 deficiencies in the motion will be rectified in a renewed motion for preliminary approval.

20 **IT IS SO ORDERED.**
21

22 Dated: June 27, 2019



BETH LABSON FREEMAN
United States District Judge